

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 1:16-CR-212</b>
	:	
v.	:	<b>(Judge Conner)</b>
	:	
<b>KEVIN COLES,</b>	:	
<b>DEVIN DICKERSON,</b>	:	
<b>TOREY WHITE,</b>	:	
<b>JERELL ADGEBESAN, and</b>	:	
<b>NICHOLAS PREDDY,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 3rd day of November, 2021, upon consideration of defendants' joint motion (Doc. 991) for implementation of protections from implicit racial bias during the upcoming jury trial in this case, and the parties' respective briefs in support of and opposition thereto, and for the reasons set forth in the accompanying memorandum of today's date, it is hereby ORDERED that:

1. Defendants' joint motion (Doc. 991) is GRANTED in part and DENIED in part as follows.
2. Defendants' requests that the court show all prospective jurors a video developed by a group of judges and attorneys in the United States District Court for the Western District of Washington on the subject of unconscious bias and that the court conduct individualized *voir dire* and elicit individualized assurances from prospective jurors on the subject of unconscious bias are DENIED.

3. Defendants' request that the court provide instructions on unconscious bias is GRANTED to the extent that the parties are DIRECTED to meet and confer and, **no later than one week before trial**, jointly propose the following for the court's consideration:
- a. a short paragraph to be read to prospective jurors during *voir dire* defining conscious and unconscious biases and reminding prospective jurors that neither type of bias should inform their decisionmaking, after which the court will ask whether any prospective juror will be unable to follow the court's instruction, and
  - b. a more thorough instruction to be read to the jury during the court's preliminary instructions, and reiterated during final instructions, on the subjects of conscious and unconscious biases and the need to guard against both throughout the trial and during deliberations.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania